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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,414

12/12/2003

Caitlyn Curtin

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30593 7590 11/12/2008
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EXAMINER

GRAVINI, STEPHEN MICHAEL

ART UNIT

PAPER NUMBER

3743

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: CAITLYN CURTIN

Application No. 10/773,414
Technology Center 3700

Mailed: November 12, 2008

Before Deborah L. Perry, *Supervisory Paralegal Specialist*.

Perry, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on . A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

SUPPLEMENTAL EXAMINER'S ANSWER

APPROVAL BY TECHNOLOGY CENTER DIRECTOR

The Supplemental Examiner's Answer mailed October 30, 2007, is deficient, because it was not signed by the Technology Center Group Director or his designee. Section 1207.05 of the Manual of Patent Examining Procedure (MPEP) (Eighth Edition, Rev. 3, August 2005) states that "[e]very supplemental examiner's answer must be approved by a Technology Center (TC) Director or designee." Correction is required.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed February 29, 2008, in response to the Supplemental Examiner's Answer mailed October 30, 2007.

Title 37, Code of Federal Regulations, §41.43 states:

(a)(1)... the primary examiner must acknowledge receipt and entry of the reply brief. In addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

The Communication mailed April 8, 2008, was an improper acknowledgment of the Reply Brief, as it constitutes a Supplemental Examiner's Answer as per MPEP§ 1208, part II. A Supplemental Examiner's Answers requires a Director or designees approval.

CONCLUSION

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

- 1) to vacate the Supplemental Examiner's Answer dated October 30, 2007, remail with the appropriate required signature (Technology Center Director or designee); and
- 2) vacate the Communication mailed April 08, 2008;
- 3) generate and mail either:
 - a) a revised Communication properly acknowledging to the Reply Brief dated February 29, 2008, in accordance with MPEP§ 1208, part II.; OR
 - b) issue a Supplemental Examiner's Answer with the required signature (Technology Center Director or designee), if appropriate;
- 4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DPV

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